

**REMARKS**

Applicants have studied the Office Action dated June 2, 2005. It is submitted that the application, as amended, is now in condition for allowance. Claims 3-10, 15-22, 29 and 30 are pending. Claims 24-27 and 31-32 are cancelled.

**Allowable Subject Matter**

The Applicants wish to thank Examiner Jagan for indicating the allowable subject matter of claims 3-10 and 29.

**Conversation with the Examiner**

The Applicants wish to thank Examiner Jagan for participating in a telephone conference with applicant's representative, Scott Smiley, on July 22, 2005. Claims 15-22 and 30 were discussed during the conversation. Specifically, the Examiner's objection to the term "thermal distributions" in the preamble of claim 19, as raised in the June 2, 2005 Office Action, was discussed.

Applicants thank Examiner Jagan for stating that exchanging the term "thermal distributions" with the term "thermal characteristics" in the preamble of claim 19 and inserting a phrase in the body of the claim to link the detecting of photons to determining a thermal characteristic would render the claim allowable. Accordingly, claim 19 has been amended per the Examiners suggestions. Claims 15-18, 20-22, and 30 depend from claim 19. Allowance of claims 15-22 and 30 is therfore respectfully requested.

**CONCLUSION**

In this Response, Applicants have amended certain claims. In light of the Office Action, Applicants believe these amendments serve a useful clarification purpose, and are desirable for clarification purposes, independent of patentability. Accordingly, Applicants respectfully submit that the claim amendments do not limit the range of any permissible equivalents.

Applicants acknowledge the continuing duty of candor and good faith to disclosure of

YOR920030425US1

6 of 7

10/699,399

information known to be material to the examination of this application. In accordance with 37 CFR §1.56, all such information is dutifully made of record. The foreseeable equivalents of any territory surrendered by amendment are limited to the territory taught by the information of record. No other territory afforded by the doctrine of equivalents is knowingly surrendered and everything else is unforeseeable at the time of this amendment by the Applicants and their attorneys.

Applicants respectfully submit that all of the grounds for rejection stated in the Examiner's Office Action have been overcome, and that all claims in the application are allowable. No new matter has been added. It is believed that the application is now in condition for allowance, which allowance is respectfully requested.

**PLEASE CALL** the undersigned if that would expedite the prosecution of this application.

Respectfully submitted,

Date: July 22, 2005

By: \_\_\_\_\_

Jon Gibbons, Reg. No. 37,333  
Attorney for Applicants

FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI, & BIANCO P.L.  
551 N.W. 77th Street, Suite 111  
Boca Raton, FL 33487  
Tel (561) 989-9811  
Fax (561) 989-9812

Please Direct All Future Correspondence to Customer Number 23334

YOR920030425US1

7 of 7

10/699,399

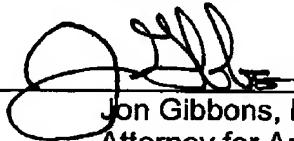
information known to be material to the examination of this application. In accordance with 37 CFR §1.56, all such information is dutifully made of record. The foreseeable equivalents of any territory surrendered by amendment are limited to the territory taught by the information of record. No other territory afforded by the doctrine of equivalents is knowingly surrendered and everything else is unforeseeable at the time of this amendment by the Applicants and their attorneys.

Applicants respectfully submit that all of the grounds for rejection stated in the Examiner's Office Action have been overcome, and that all claims in the application are allowable. No new matter has been added. It is believed that the application is now in condition for allowance, which allowance is respectfully requested.

**PLEASE CALL** the undersigned if that would expedite the prosecution of this application.

Respectfully submitted,

Date: July 25, 2005

By: 

Jon Gibbons, Reg. No. 37,333  
Attorney for Applicants

FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI, & BIANCO P.L.  
551 N.W. 77th Street, Suite 111  
Boca Raton, FL 33487  
Tel (561) 989-9811  
Fax (561) 989-9812

Please Direct All Future Correspondence to Customer Number 23334

YOR920030425US1

7 of 7

10/699,399